

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

LISA TATE,	)	
	)	
Claimant,	)	<b>IC 01-021042</b>
v.	)	
	)	
CITY OF BOISE,	)	<b>ORDER DENYING</b>
	)	<b>RECONSIDERATION</b>
Self-insured	)	
Employer,	)	Filed December 9, 2004
Defendant.	)	
	)	

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Pursuant to Idaho Code § 72-718, Defendant timely moves for reconsideration of the Industrial Commission's decision of October 26, 2004, in the above-referenced case. Claimant filed an objection to Defendant's motion. Defendant did not reply.

Defendant asserts the Referee failed to make a finding regarding the manifestation date of Claimant's medial epicondylitis. The Commission was not presented with this question for resolution. However, it is clear that the factual findings refer to a general date of manifestation.

Defendant also argues that the Referee failed to adequately address the separate issue of whether Claimant filed her claim with the Commission within one year after the manifestation date of the injury. The Commission specifically determined that Defendant was not prejudiced by Claimant's notice of her claim for medial epicondylitis in October 2001. Further, since her complaint was filed in September 2002, such filing was not time barred. Defendant's claims on this point are groundless.

Finally, Defendant maintains as error the Referee's decision not to address the parties' contentions regarding waiver and estoppel. These items were never submitted to

the Commission as issues for resolution. Defendant's complaints do not have merit, especially considering the record and findings in this matter.

Defendant has presented no factual or legal basis to warrant reconsideration of the Commission's prior ruling. Accordingly, Defendant's motion for reconsideration should be, and is hereby, DENIED.

DATED this \_\_9<sup>th</sup>\_\_ day of December, 2004.

INDUSTRIAL COMMISSION

\_\_Unavailable for signature\_\_  
R. D. Maynard, Chairman

\_\_\_\_\_  
/s/ Thomas E. Limbaugh, Commissioner

\_\_\_\_\_  
/s/ James F. Kile, Commissioner

ATTEST:

\_\_\_\_\_  
/s/ Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_9th\_\_ day of December, 2004, a true and correct copy of the foregoing **ORDER DENYING RECONSIDERATION** was served by regular United States Mail upon each of the following:

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\_\_\_\_\_  
/s/